

**TERMINAL DISCLAIMER TO OBTAIN A PROVISIONAL DOUBLE PATENTING
REJECTION OVER A PENDING SECOND APPLICATION**

 Docket Number (Optional)
022128-000400US

In re Application of: Gifford III, Hanson et al.

Application No.: 10/811,228

Filed: March 26, 2004

For: Methods and Apparatus for Treatment of Patent Foramen Ovale

The owner*, Cierra, Inc., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of any patent granted on pending Application Numbers 10/787,532, filed on February 25, 2004; 11/249,586, filed on October 12, 2005; 11/472,924 filed on June 21, 2006; and 11/472,926 filed on June 21, 2006; as such term is defined in 35 U.S.C. 154 and 173, and as the term of any patent granted on said reference application may be shortened by any terminal disclaimer filed prior to the grant of any patent on pending reference application. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the reference application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

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2. ☒ The undersigned is an attorney or agent of record. Reg. No. 59,650



Signature

December 21, 2005

Date

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